

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jeffrey L. CLELAND et al.

Serial No.: 10/080,502

Filing Date: February 22, 2002

For: ERODIBLE POLYMERS FOR  
INJECTION

Examiner: C. Azpuru

Group Art Unit: 1615

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents are submitted herewith. The Examiner is requested to make these documents of record.

Document no. 2 (US-6,372,245) is the English language counterpart of (shares a common priority document with) document no. 3 (JP-8-505139) and document no. 5 (WO 02/00137) is the English language counterpart of (shares a common priority document with) document no. 4 (JP-2004-511431.)

Document Nos. 1, 3, and 4 contained in this Supplemental Information Disclosure Statement were first cited in any communication from a foreign patent office in a counterpart

application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this Supplemental Information Disclosure Statement.

Document Nos. 1, 3, and 4 listed on the attached Form PTO/SB/08a/b were cited in a Notice of Rejection mailed on September 30, 2008, directed to a counterpart international or foreign application and have not been previously cited.

In an abundance of caution, the fee will be paid.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.

☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 146392000500.

Dated: October 30, 2008

Respectfully submitted,

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